Increase in number of judges

39. SHRI C.P. THIRUNAVUKKARASU: Wil1 the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are contemplating to increase the number of judges for speedy disposal of cases; and

(b) if so, the steps Government have taken to increase the number of judges?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) Yes, Sir.

(b) The Hon'ble Supreme Court, *vide* its judgement of 21st March, 2002 in All India Judges' Association & Others *Vs.* Union of India & Others, has directed that an increase in the Judge strength from the existing ratio of 10.5 or 13 per 10 lakh people to 50 Judges per 10 lakh people should be effected and implemented within a period of five years. Central Government have addressed the State Governments for taking necessary action to increase the Judge strength as per the direction of the Supreme Court. As regards directives to be complied by the Central Government in respect of Union Territories, necessay action has been initiated.

Family courts

40. SHRI ABANI ROY : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether Government have asked all States and Union Territories to send proposals for establishment of family courts in each district;

(b) if so, the response received by Government from State Governments in this regard;

(c) the number of family courts functioning at present in the country and the number of cases disposed of by them in the last three years; and

(d) the extent to which the setting up of new family courts will reduce burden on subordinate courts?

THE MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHY): (a) Yes, Sir.

(b) The Parliamentary Committee on Empowerment of Women in its Fith Report on "Functioning of Family Courts" has recommended that steps should be taken to set up Family Courts in every district of the country. On the basis of recommendation made by the Parliamentary Committee on Empowerment of

Women, the matter was taken up with all the State Governments/UT Administrations to set up more Family Courts to speed up disposal of family disputes. In order to encourage and assist the States in setting up more Family Courts, Central Government is extending grant, on the basis of 50 per cent sharing by the States, not only for the construction of court rooms but also for meeting 50 per cent of the running expenses. These grants are limited to Rs. 10 lakh per court for construction of the court room/residence of Judge and Rs. 5 lakh for annual running expense per court of new Family Courts which are now being set up during the year 2002-2003.

The Government of Bihar has informed that at present one Family Court is functioning at Patna. One new Family Court has since been established at Muzaffarpur and one more Family Court is likely to be set up at Bhagalpur very soon. In addition, proposal for establishment of one more Family Court of Additional Principal Judge at Patna and one Family Court in each District of the State has been sent to the High Court of Patna for their concurrence. Draft Family Court Rules and Regulations for the functioning and appointment in the Family Courts have also been sent to Patna High Court for direction.

The Government of Chhattisgarh has informed that they have taken decision to set up one Family Court at Raipur.

The Government of Madhya Pradesh has set up seven Family Courts in all the divisional headquarters of the State.

The Government of Himachal Pradesh has informed that Family Courts have not been established in the State of Himachal Pradesh keeping in view the pendency of cases and the geographical and topographical conditions of the State and the expenditure involved. Setting up of such separate Family Court for any area in the State would be grossly disproportionate to the public benefit and advantages.

The Government of Meghalaya has informed that in Meghalaya, the societies of the tribes are matriarchal with the women having equal advantage in family matters, cases relating to marriage, divorce, maintenance and other family matters are looked after by the existing civil and criminal courts and such cases even as of now are not many. Further marriage, divorce and customary laws are subjects of the District Council according to jurisdiction embedded as per sixth schedule to the Constitution of India. As such, the prevailing situation in the State of Meghalaya being different, the Government of Meghalaya is not contemplating to set up any Family Court in the State at this stage and that family matters will continue to be dealt with by the existing courts including the courts of the District Councils.

The Government of Nagaland has informed that the State of Nagaland is predominantly inhabited by members of Scheduled Tribe communities who are governed by their customary laws and social practice. On consideration of the peculiarity of the tribal conditions, the State Government of Nagaland does not consider it necessary to set up such Family Courts in the State.

The UT Administration of Chandigarh has informed that a reference was made to the Punjab and Haryana High Court for setting up of a Family Court and for appointment of a person to be Judge of the Family Court for the Union Territory of Chandigarh. However, the High Court has declined the request of the UT as the population figure has not exceeded one million mark.

The UT Administration of Dadra and Nagar Haveli has informed that Dadra and Nagar Haveli is a small Union Territory having population of about 2.3 lakhs whereas as per Rule 3 of the Family Courts Act, Family Courts are to be established for a population of at least one million. Family Courts have, therefore, not been set up in the UT. Further the UT had requested the Bombay High Court for the details of cases pending before the District Court, Silvassa which may be triable by the Family Courts. According to the information furnished by the High Court there are only 68 cases pending in the UT which are triable by Family Courts.

The UT Administration of Daman and Diu has informed that the UT has sought concurrence of the High Court of Bombay for establishment of Family Court at Daman and Diu. The High Court has informed that the Recruitment Rules for the Ministerial staff (Non-Gazetted) in the Family Courts have not yet been approved by the State Government of Maharashtra. In view of this, the UT is not in a position to take any action in the matter.

(c) and (d) At present 96 Family Courts are functioning in the country. 1,54,513 cases have been disposed of by the Family Courts during the last three years. Keeping in view the number of cases disposed of by the Family Courts, it is expected that the setting up of new Family Courts will reduce burden of pending cases in the subordinate courts to some extent.

Fast track courts in Andhra Pradesh

41. DR. DASARI NARAYANA RAO: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that State Government of Andhra Pradesh has not set up the earmarked number of fast track courts in the State;